

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-20 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 10, and 19 are independent claims; the remaining claims are dependent claims. Claims 1-20 stand finally rejected. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the following remarks.

Applicants previously submitted an Amendment After Final in this case on December 16, 2008. In response, the Examiner issued an Advisory Action, withdrawing certain rejections while maintaining others. Applicants submit herewith a Second Amendment After Final addressing the outstanding issues in this case.

It should be noted that Applicants are not conceding in this application the claims amended herein are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

**Rejections under 35 USC § 112**

Claims 1, 10 and 19 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to point out and particularly claim the subject matter which applicant regards as the invention. Applicants acknowledge that the Examiner has withdrawn these rejections as per the Advisory Action of December 31, 2008.

**Rejections under 35 USC § 102**

Claims 1-20 stand rejected under 35 USC § 102(b) as being anticipated by Vegas (Vegas 2.0 Users Manual, 2000, Sonic Foundry, pgs 1-4111) (hereinafter “Vegas”). Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants respectfully reiterate that Vegas teaches editing not annotating audio and video multimedia. Applicants respectfully submit that these are not equivalents. Specifically, Applicants respectfully submit that Vegas fails to teach “selecting a label from a predefined set of multimedia content descriptors; and assigning a new label not present in said pre-defined set of multimedia content descriptors.” The Examiner appears to cite “transitions” as equivalent to “a semantic label from a predefined set of multimedia content descriptors”. *Office Action*, pp. 3. The Examiner asserts that “...by editing (cropping, cutting, pasting, deleting) the videos are annotated because you are adding layered data to the original video/audio objects so that you can create an edited or NEW modified video/audio data.” *Advisory Action*, pp. 3. Applicants respectfully disagree and submit that this clearly falls short of the explicit claim limitations that require “selecting *a label*” and/or “assigning *a new label*”. Claim 1 (emphasis added).

Nonetheless, Applicants have amended the independent claims herein solely in an effort to facilitate expeditious prosecution of this case. For example, claim 1 recites, *inter alia*, “wherein said assigning semantic, multimedia content-based labels comprises performing: selecting a label from a predefined set of multimedia content descriptors; and assigning a new label not present in said pre-defined set of multimedia content descriptors.” Claim 1 (emphasis added). This claim amendment is intended to clarify that assigning comprises both “selecting a label from a predefined set of multimedia content descriptors; and assigning a new label not present in said pre-defined set of multimedia content descriptors”. Applicants respectfully submit that Vegas fails to teach or suggest the above quoted claim language.

In accordance with the Examiner’s understanding of the claim language, *Advisory Action*, pp. 3, Applicants respectfully note that these amendments amount to requiring both alternative claim limitations rather than “at least one” and request entry after-final, as further search and consideration should not be required. MPEP § 2143.03.

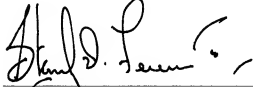
In summary, Applicants respectfully submit that the independent claims are clearly distinguishable from Vegas. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections using this reference.

### **Conclusion**

In summary, it is respectfully submitted that the instant application, including Claims 1-20, is presently in condition for allowance. Notice to the effect is hereby

earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", is written over a horizontal line.

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